

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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EDWARD COMBS, *et al.*,

Plaintiffs,

-against-

SAME DAY DELIVERY INC., *et al.*,

Defendants.

1:22-cv-520 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:


This matter comes before the court on the Parties' joint letter requesting that the Court stay this action pending the outcome of agreed-upon arbitration. [ECF No. 17]. The Court scheduled a conference call with the Parties to be held on April 6, 2022 at 10:00am to discuss their request for a stay and questions relating to venue. Specifically, the Complaint [ECF No. 1] states that "Venue is proper *in the Eastern District of New York* under 28 U.S.C. § 1391(b) and (c), because all events relevant to this action occurred in this District, and the acts and omissions giving rise to the claims herein alleged took place in this District." Given the Plaintiffs' statement that venue is proper in the Eastern District, the Court is uncertain whether the allegations with respect to the non-corporate defendants relate to conduct that took place in the Southern District.

Shortly before the conference call was to be held, the Court received a communication from Plaintiffs' counsel saying that an illness prevented him from attending the hearing. The Court hereby adjourns the conference scheduled for April 6, 2022 at 10:00am *sine die*. On or before April 13, 2022, the Parties are directed to file a joint letter regarding whether a stay in this matter is necessary, or whether the goals of any stay could be achieved by a joint agreement between the Parties with respect to a voluntary dismissal of the case without prejudice and a

tolling of any statute of limitations during the pendency of the arbitration. The joint letter should also address the issues the Court has raised with respect to venue. Any proposed stipulation of dismissal must be filed within thirty days, or, if venue is proper, the Court will enter a case management plan in this case.

SO ORDERED.

Date: April 6, 2022
New York, NY


MARY KAY VYSKOČIL
United States District Judge